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 CLERK'S OFFICE, U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.  
 LOS ANGELES, CALIF.

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12 Attorneys for Plaintiffs  
 Michael Sandoval and Atigeo LLC

EDCV13-1243 (CAS (DTBx))

13 UNITED STATES DISTRICT COURT  
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CENTRAL DISTRICT OF CALIFORNIA

ATIGEO LLC, a Washington limited  
 liability company; and MICHAEL  
 SANDOVAL, an individual,

Plaintiffs,

vs.

OFFSHORE LIMITED D, a California  
 business organization, form unknown;  
 OFFSHORE LIMITED D, a California  
 partnership; DENNIS  
 MONTGOMERY, individually and as  
 a partner of Offshore Limited D;  
 ISTVAN BURGYAN, individually and  
 as a partner of Offshore Limited D;  
 DEMARATECH, LLC, a California  
 limited liability company; and DOES  
 1-10, inclusive,

Defendants.

Case No. EDCV13-1243

**COMPLAINT FOR:**

- (1) Cybersquatting (15 U.S.C.  
 § 1125(d)); and
- (2) Libel

**JURY TRIAL DEMANDED**

PAID  
 930781

Clerk, US District Court

JUL 15 2013

COMPLAINT

1 Plaintiffs Atigeo LLC and Michael Sandoval - (collectively "Plaintiffs"), for their  
2 complaint against Defendants Offshore Limited D (a California business organization,  
3 form unknown); Dennis Montgomery; Istvan Burgyan; Demaratech, LLC; and Does 1  
4 through 10, inclusive (collectively "Defendants"), allege as follows:

5

6 **GENERAL ALLEGATIONS**

7 1. Plaintiff Atigeo LLC is a Washington limited liability company with its  
8 principal place of business in Bellevue, Washington.

9 2. Plaintiff Michael Sandoval is an individual residing in King County,  
10 Washington.

11 3. Defendant Dennis Montgomery is an individual. Plaintiffs are informed  
12 and believe and on that basis allege that Mr. Montgomery resides in Riverside County,  
13 California.

14 4. Defendant Istvan Burgyan is an individual. Plaintiffs are informed and  
15 believe and on that basis allege that Mr. Burgyan resides in Riverside County,  
16 California.

17 5. Plaintiffs are informed and believe and on that basis allege that defendant  
18 Offshore Limited D is an unidentified business association doing business in Riverside  
19 County, California; or, in the alternative, that Offshore Limited D is a California  
20 partnership with its principal place of business in Riverside County, California, and that  
21 defendants Mr. Montgomery and Mr. Burgyan are partners of Offshore Limited D.  
22 Plaintiffs are informed and believe and on that basis allege that the principal place of  
23 business of Offshore Limited D is 42829 Cook Street, Suite 104, Palm Desert,  
24 California 92211.

25 6. Defendant Demaratech, LLC ("Demaratech") is a California limited  
26 liability company doing business in Riverside County, California, with its principal  
27 place of business located at 42829 Cook Street, Suite 104, Palm Desert, California  
28 92211.

1       7. Plaintiffs are unaware of the true names and capacities of defendants sued  
2 as Does 1 through 10, inclusive; therefore, Plaintiffs sue these defendants by said  
3 fictitious names. Plaintiffs are informed and believe and on that basis allege that each of  
4 these fictitiously-named defendants is responsible in some manner for the acts and  
5 occurrences hereinafter alleged, either as the agent, partner, or alter ego of the  
6 Defendants specifically identified above, or based on other facts and legal theories  
7 currently unknown to Plaintiffs; that each of the fictitiously-named defendants is legally  
8 responsible for the conduct and injuries alleged below; and that each of the fictitiously-  
9 named defendants should be enjoined from engaging in any further such conduct.  
10 Plaintiffs will seek leave to amend this Complaint to allege the true names and  
11 capacities of such fictitiously-named defendants when Plaintiffs ascertain this  
12 information.

13       8. Plaintiffs are informed and believe and on that basis allege that defendant  
14 Offshore Limited D and defendant Demaratech have the same owners; are managed and  
15 controlled by the same individuals; share the same office space; and each entity was  
16 used as a mere shell or conduit for the other. As a result, Plaintiffs are informed and  
17 believe and on that basis allege that there is a unity of interest and ownership between  
18 the two entities and that there would be an inequitable result if the liabilities of Offshore  
19 Limited D and Demaratech were treated as distinct. Accordingly, Plaintiffs are  
20 informed and believe and on that basis allege that Offshore Limited D and Demaratech  
21 are alter egos of each other.

22       9. Plaintiffs are informed and believe and on that basis allege that defendants  
23 Montgomery and Burgyan, and each of them, exercise complete ownership and control  
24 over Offshore Limited D and Demaratech; that Montgomery and Burgyan do not keep  
25 the assets of Offshore Limited D and Demaratech separate from their own assets; and  
26 that Montgomery and Burgyan, and each of them, use Offshore Limited D and  
27 Demaratech as mere shells or conduits for their own individual purposes. As a result,  
28 Plaintiffs are informed and believe and on that basis allege that there is a unity of

1 interest and ownership between Montgomery and Burgyan, on the one hand, and  
2 Offshore Limited D and Demaratech, and that there would be an inequitable result if the  
3 liabilities of Offshore Limited D and Demaratech were treated as distinct from  
4 Montgomery and Burgyan. Accordingly, Plaintiffs are informed and believe and on that  
5 basis allege that Offshore Limited D and Demaratech are alter egos of Montgomery and  
6 Burgyan, and each of them.

7 10. Plaintiffs are informed and believe and on that basis allege that at all  
8 material times herein mentioned, each of the Defendants was acting as the partner,  
9 agent, servant, employee, or alter ego of each of the remaining Defendants and, in doing  
10 the things alleged herein, was acting within the course and scope of such agency and  
11 with the knowledge and consent of the remaining Defendants.

12

13 **JURISDICTION AND VENUE**

14 11. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331,  
15 1332(a)(1), 1338, 1367, and 15 U.S.C. §§ 1116 and 1121. This action arises under 15  
U.S.C. § 1125(d), a law of the United States and an Act of Congress relating to  
17 trademarks. In addition, the matter in controversy, exclusive of interest and costs,  
18 exceeds the sum or value of \$75,000, and is between citizens of different states. In  
19 addition, under 28 U.S.C. § 1367, this Court may exercise supplemental jurisdiction  
20 over the state-law claim because all of the claims are derived from a common nucleus of  
21 operative facts and are such that Plaintiffs ordinarily would expect to try them in one  
22 judicial proceeding.

23 12. This Court has personal jurisdiction over Defendants because Plaintiffs are  
24 informed and believe and on that basis allege that all Defendants are California  
25 residents. In addition, Plaintiffs are informed and believe and on that basis allege that  
26 Defendants have purposefully availed themselves of the benefits and protections offered  
27 by the State of California.

1       13.   Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.  
2 Plaintiffs are informed and believe and on that basis allege that all Defendants are  
3 California residents, and that all of the Defendants reside in this judicial district.  
4 Further, Plaintiffs are informed and believe and on that basis allege that a substantial  
5 part of the events or omissions giving rise to Plaintiffs' claims occurred in this judicial  
6 district.

## **PLAINTIFF AND ITS RIGHTS**

9       14. Plaintiff Atigeo has engaged in substantially exclusive and continuous  
10 interstate commerce under the ATIGEO trademark since at least 2007 and well before  
11 Defendants' adoption of the identical trademark for use in the domain name  
12 <atigeo.co>. Atigeo is in the software business and markets products and services in a  
13 variety of fields, including healthcare and social media.

14        15. Atigeo is the sole owner of U.S. Trademark Reg. No. 3,908,344 for the  
mark ATIGEO, issued on January 18, 2011 for, *inter alia*, pattern-recognition software,  
16 Internet search engine advertising, electronic transmission of information, and on-line  
news and information. This registration is *prima facie* evidence that the Atigeo  
17 trademark is distinctive, that Atigeo owns the trademark rights, and that the registration  
18 is valid, enforceable, and subsisting. Atigeo is also the owner of the domain name  
19 <atigeo.com>, where Atigeo advertises its products and services under the ATIGEO  
20 trademark.  
21

22        16. The ATIGEO trademark is a unique, fanciful, and coined trademark. As  
23 such, Defendants have no legitimate reason to register a domain name consisting  
24 entirely of the ATIGEO trademark.

25        17. Atigeo maintains strict control over the quality and nature of its services  
26 bearing the distinctive ATIGEO trademark. The inherent distinctiveness of that  
27 trademark has been further enhanced by Atigeo's substantial promotion of the trademark  
28 in interstate commerce.

18. Atigeo has invested considerable time and money in advertising its services under the ATIGEO trademark throughout the United States. Atigeo has acquired substantial goodwill associated with the ATIGEO trademark among its customers, business associates, and members of the public.

19. As a result of its extensive advertising, marketing, and provision of services under the ATIGEO trademark, Atigeo has become well-known and well-recognized under the ATIGEO trademark.

20. As a result of the goodwill, recall, and recognition that Atigeo has developed through extensive advertising and marketing under the ATIGEO trademark, that trademark has become a valuable asset and indicator of source for Atigeo.

## DEFENDANTS' WRONGFUL ACTS

21. Plaintiffs are informed and believe and on that basis allege that Defendants own and operate several Internet web sites, including the following web sites: [www.atigeo.co](http://www.atigeo.co), [www.gratonresortcasino.net](http://www.gratonresortcasino.net), [www.theuntoldstory.net](http://www.theuntoldstory.net), [www.yellowstoneclub.net](http://www.yellowstoneclub.net), and [www.yellowstoneclubs.com](http://www.yellowstoneclubs.com) (collectively, the "Web Sites").

22. On each of the Web Sites, Defendants have made the following statements about Plaintiffs:

- (a) That plaintiff Atigeo billed a client for “nonexistent development work.”
  - (b) That “Edra Blixseth place[d] \$7mil into [Atigeo] accounts as ‘pre-divorce’ money. Michael Sandoval agree[d] to escrow and ‘shelter’ the money for Edra Blixseth.”
  - (c) That plaintiff Michael Sandoval took all of Edra Blixseth’s “sheltered” money.
  - (d) That Plaintiffs own three lots on Lake Washington, “purchased with Blixseth money without their consent or knowledge.”

(e) That "Michael Sandoval, with the help of his controller, took the [Blixseth] money to purchase the property on Lake Washington in 2006 without the knowledge or consent of Edra Blixseth. Michael Sandoval admitted to the wrongdoing in March 2007 after being confronted with the evidence by Edra Blixseth and her associates."

(f) That Plaintiffs "still owe the Blixseth estate \$8 [million]."

23. All of the above statements that Defendants have made about Plaintiffs are false,

24. Plaintiffs are informed and believe and on that basis allege that Defendants have created pseudonymous email accounts and Twitter accounts, and that Defendants are using these email and Twitter accounts to disseminate the false and defamatory statements as widely as possible.

25. Plaintiffs are informed and believe and on that basis allege that in or about February 2013, Defendants used the Twitter account “@ReporterYC” to send a link for the [www.yellowstoneclub.net](http://www.yellowstoneclub.net) web site to the following news outlets and commentators: Fox News, the *Boston Globe*, the *New York Times*, the *Wall Street Journal*, the *Bozeman Daily Chronicle*, the *Los Angeles Times*, *USA Today*, MSNBC, the Associated Press, the *Atlantic Journal*, the *Washington Post*, the *Santa Rosa Press Democrat*, the *Las Vegas Sun*, the *Sacramento Bee*, [www.techdirt.com](http://www.techdirt.com), the *Desert Sun*, the *Denver Post*, the *Bozeman News*, the *Chicago Tribune*, the *Billings Gazette*, the *Boston Daily Free Press*, and Rush Limbaugh.

26. Plaintiffs are informed and believe and on that basis allege that in addition to forwarding the defamatory statements to the above news outlets and commentators, Defendants specifically targeted Plaintiffs by forwarding the links for the Web Sites to Plaintiffs' employees and prospective business partners. Plaintiffs are informed and believe and on that basis allege that Defendants also forwarded the links for the Web Sites to Western Capital Partners, against whom Plaintiffs are currently engaged in litigation.

1       27. As of July 1, 2013, the Web Sites indicate that their web pages and content  
 2 have been viewed over 7.5 million times:

- 3             •     www.yellowstoneclub.net:     4,525,213 page views<sup>1</sup>
- 4             •     www.theuntoldstory.net:     1,332,023 page views
- 5             •     www.gratonresortcasino.net:     919,664 page views
- 6             •     www.yellowstoneclubs.com:     788,953 page views
- 7             •     www.atigeo.co:                     128,404 page views

8       28. Plaintiffs are informed and believe and on that basis allege that Defendants  
 9 specifically targeted Plaintiffs' employees, prospective business partners, and litigation  
 10 opponents with the specific motive to harass and injure Plaintiffs.

11      29. In 2012, Defendant Montgomery approached Plaintiff Sandoval to demand  
 12 that Sandoval and/or Atigeo make a financial investment in Montgomery's new business  
 13 venture. To induce Plaintiffs to provide Montgomery with investment capital,  
 14 Montgomery made threats against Sandoval and Atigeo, including statements like "If  
 15 you're not with me, you're against me." Montgomery also induced fear in Plaintiffs by  
 16 warning Plaintiff Sandoval that he had followed through on similar threats before and  
 17 that Plaintiffs did not want to end up like other Montgomery targets who "learned the  
 18 hard way." Plaintiffs declined to yield to Montgomery's threats, prompting  
 19 Montgomery to publish the false statements complained of herein.

20      30. Defendants have a pattern of registering domain names containing the  
 21 names of individuals or entities who have refused Montgomery's demands, then using  
 22 those domain names to host web sites that falsely disparage and discredit those  
 23 individuals and entities, including members of the federal judiciary, U.S. bankruptcy  
 24 personnel, and private parties.

25      31. Plaintiffs are informed and believe and on that basis allege that Defendants,  
 26 starting in or about June 2013, have used the ATIGEO trademark in connection with the  
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28      <sup>1</sup> Last viewed on May 6, 2013.

1 website available under the domain name <atigeo.co>. Plaintiffs are informed and  
2 believe and on that basis allege that the registration of the <atigeo.co> domain name and  
3 the Web Sites was in response to Plaintiff Sandoval's refusal to comply with Defendant  
4 Montgomery's extortion scheme.

5 32. When Defendants registered the <atigeo.co> domain name, Defendants had  
6 actual knowledge of Plaintiff Atigeo and its ATIGEO trademark. In fact, Defendant  
7 Montgomery is a former employee of Opspring LLC, which used to be a subsidiary of  
8 Atigeo.

9 33. Defendants have no trademark or other intellectual property rights in the  
10 <atigeo.co> domain name. The <atigeo.co> domain name does not consist of the legal  
11 name of any Defendant or a name that is commonly used to refer to any Defendant.

12 34. Defendants have never sought or received permission from Atigeo to use  
13 the ATIGEO trademark.

14 35. Defendant's use of the domain name <atigeo.co> to direct Internet users to  
15 an Internet website containing false and defamatory statements concerning Atigeo  
16 exploits the goodwill built up by Atigeo in the ATIGEO trademark in order to injure  
17 Atigeo.

18 36. Defendants' registration and use of the <atigeo.co> domain name has  
19 deprived Atigeo of its exclusive property right in its fanciful and distinctive ATIGEO  
20 trademark by preventing Atigeo from using the mark as a domain name on the .co top-  
21 level domain.

22 37. Defendants' continued registration and use of the <atigeo.co> domain name  
23 has caused irreparable harm to Plaintiff's business, reputation, and goodwill and will  
24 cause further irreparable harm to Plaintiff unless restrained and enjoined.

25 38. Defendants' registration and use of the <atigeo.co> domain name causes  
26 and is likely to cause Plaintiff's customers, business associates, and members of the  
27 public to naturally, but mistakenly, be confused and deceived that Defendants' website  
28 is associated with, sponsored by, or approved by Plaintiff.

39. Plaintiffs are informed and believe and on that basis allege that as a result of the goodwill that Atigeo has built up in the ATIGEO trademark, consumers, vendors, and other persons searching for, or looking to navigate to, Atigeo's legitimate website at [www.atigeo.com](http://www.atigeo.com) are misdirected to Defendants' website as the result of confusion caused by Defendants' registration and use of the <atigeo.co>.

40. Defendants are using the keyword "Atigeo" as meta tags for the website available at the <atigeo.co> domain name. Plaintiffs are informed and believe and on that basis allege that Defendants' exploitation of the ATIGEO trademark is intended to confuse consumers, vendors and other persons searching for Atigeo's legitimate website at <atigeo.com> and to divert such persons to the <atigeo.co> domain name.

41. Plaintiffs are informed and believe and on that basis allege that prospective customers of Atigeo's goods and services who mistakenly access Defendants' website using the <atigeo.co> domain name may fail to continue to search for the legitimate Atigeo website. As such, Defendants' use of the <atigeo.co> domain name prevents some Internet users from reaching Atigeo's own legitimate, commercial website.

42. Defendants' registration and use of a domain name that violates Plaintiff's rights have been knowing, willful, and exceptional with the intent to confuse and/or deceive the public about the relationship (or lack thereof) between Plaintiff and its legitimate website at "www.atigeo.com" and Defendants and their unauthorized website at "www.atigeo.co."

COUNT I

43. Plaintiff incorporates by reference in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein.

44. The Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d), provides that “[a] person shall be liable in a civil action by the owner of a mark,

1 including a personal name which is protected as a mark under this section, if, without  
2 regard to the goods or services of the parties, that person (i) has a bad faith intent to  
3 profit from that mark, including a personal name which is protected as a mark under this  
4 section; and (ii) registers, traffics in, or uses a domain name that in the case of a mark  
5 that is distinctive at the time of registration of the domain name, is identical or  
6 confusingly similar to that mark.”

7 45. Atigeo is the rightful owner of the ATIGEO mark.

8 46. Atigeo’s federally registered ATIGEO mark is distinctive and was  
9 distinctive before Defendants registered the <atigeo.co> domain name.

10 47. The domain name <atigeo.co> is identical to and/or confusingly similar to  
11 Atigeo’s ATIGEO mark and its <atigeo.com> domain name.

12 48. Defendants registered, trafficked in, and used the <atigeo.co> domain name  
13 with a bad faith intent to profit from the ATIGEO trademark and the associated  
14 goodwill, including by seeking to extort monetary and other consideration from Atigeo.

15 49. The intent of Defendant Montgomery to profit from the ATIGEO  
16 trademark was in bad faith, in part, because extortion is a tort and a crime.

17 50. Defendants registered and used the <atigeo.co> domain name with the  
18 intent to divert customers, business associates, and members of the public away from  
19 Atigeo’s legitimate web site in order to harm the goodwill associated with the ATIGEO  
20 trademark either for financial gain or with the intent to tarnish or disparage the  
21 trademark by creating a likelihood of confusion as to the source, sponsorship, or  
22 endorsement of the websites available at [www.atigeo.co](http://www.atigeo.co).

23 51. Defendants intend to divert consumers from the legitimate Atigeo website  
24 to websites accessible under the <atigeo.co> domain name in order to generate publicity  
25 to and increase readership of Defendants’ defamatory website by relying on Atigeo’s  
26 good name and goodwill.

27  
28

1       52. Defendants have a pattern of registering domain names containing third  
2 party marks in order to publish false, misleading, and defamatory statements about  
3 Atigeo and other third parties.

4       53. Defendants have provided false and misleading contact information as part  
5 of the WHOIS information for the <atigeo.co> domain name by listing the fictitious  
6 alias "Clark Kent."

7       54. Defendants knew of Atigeo's ownership and use of the ATIGEO mark  
8 before Defendants registered or began using the <atigeo.co> domain name.

9       55. Defendants' use of the domain name to divert Internet traffic to Defendant's  
10 web site has harmed and continues to harm Atigeo's ability to generate business and  
11 keep members.

12       56. Defendants' registration and use of the <atigeo.co> domain name and other  
13 acts, as set forth herein, constitute cybersquatting in violation of Section 1125(d) of the  
14 Anticybersquatting Consumer Protection Act (15 U.S.C. § 1125(d)).

15       57. Defendants have caused and, unless enjoined, will continue to cause  
16 irreparable harm and injury to Atigeo and the goodwill and reputation of Atigeo.

17       58. As a direct and proximate result of Defendants' wrongful acts, Atigeo has  
18 also suffered pecuniary damages from Defendants' actions in an amount to be  
19 determined at trial.

20       59. Alternatively, at its election, Atigeo is entitled to recover statutory damages  
21 as provided under Section 35 of the Lanham Act, 15 U.S.C. § 1117(d).

22       60. Atigeo is also entitled to recover its costs and reasonable attorneys' fees  
23 associated with this action pursuant to 15 U.S.C. § 1117.

24       61. Defendants' activities were taken with knowledge of Atigeo's rights and  
25 thus constitute deliberate, willful and/or intentional cybersquatting. As a result, Atigeo  
26 is further entitled, pursuant to 15 U.S.C. § 1117, to treble damages, together with  
27 interest thereon, in an amount to be determined at trial.

## COUNT II

*Brought on Behalf of Plaintiffs Atlgeo and Sandoval  
Libel*

62. Plaintiffs incorporates by reference in this cause of action each and every allegation of the preceding paragraphs, with the same force and effect as though fully set forth herein.

63. In or about 2012 to the present, Defendants published their Web Sites, which contain the following statements:

- (a) That plaintiff Atigeo billed a client for “nonexistent development work.”
  - (b) That “Edra Blixseth place[d] \$7mil into [Atigeo] accounts as ‘pre-divorce’ money. Michael Sandoval agree[d] to escrow and ‘shelter’ the money for Edra Blixseth.”
  - (c) That plaintiff Michael Sandoval took all of Edra Blixseth’s “sheltered” money.
  - (d) That Plaintiffs own three lots on Lake Washington, “purchased with Blixseth money without their consent or knowledge.”
  - (e) That “Michael Sandoval, with the help of his controller, took the [Blixseth] money to purchase the property on Lake Washington in 2006 without the knowledge or consent of Edra Blixseth. Michael Sandoval admitted to the wrongdoing in March 2007 after being confronted with the evidence by Edra Blixseth and her associates.”
  - (f) That Plaintiffs “still owe the Blixseth estate \$8 [million].”

64. All of the above statements that Defendants made about Plaintiffs are false and are libelous on their face. The statements clearly expose Plaintiffs to hatred, contempt, ridicule, and obloquy because they falsely charge Plaintiffs with dishonesty, fraudulent conduct, breach of confidence, embezzlement, and immoral and improper conduct. Moreover, the statements have a tendency to injure Plaintiffs in their business and occupation.

1       65. Plaintiffs are informed and believe and on that basis allege that Defendants  
2 have used pseudonymous email accounts and Twitter accounts to disseminate the false  
3 and defamatory statements as widely as possible. Plaintiffs are informed and believe  
4 that Defendants have used their pseudonymous email accounts and Twitter accounts to  
5 send links for their Web Sites to various news outlets and commentators, as well as to  
6 Plaintiffs' employers, prospective business partners, and litigation opponents.

7       66. Plaintiffs are informed and believe and on that basis allege that Defendants  
8 specifically targeted Plaintiffs' employees, prospective business partners, and litigation  
9 opponents with the specific motive to harass and injure Plaintiffs.

10      67. As of July 1, 2013, the Web Sites indicate that their web pages and content  
11 have been viewed more than 7.5 million times.

12      68. On March 8, 2013, counsel for Plaintiffs demanded that Defendant  
13 Offshore Limited D, the publicly-listed owner of the Web Sites, cease and desist from  
14 making and publishing such defamatory statements. Defendants have refused to remove  
15 the defamatory statements from the Web Sites.

16      69. As a proximate result of the above-described publications, Plaintiffs have  
17 suffered loss of their reputation, shame, and mortification, all to their general damage.

18      70. Further, Defendants' publication of the above defamatory statements,  
19 unless and until enjoined by order of this Court, will continue to cause great and  
20 irreparable injury to Plaintiffs in the form of loss of reputation, shame, and  
21 mortification.

22      71. Plaintiffs have no adequate remedy at law for the injuries that they have  
23 suffered and are continuing to suffer as a result of Defendants' publication of false and  
24 defamatory statements.

25      72. The above-described publications were published by Defendants with  
26 malice, oppression, and fraud. Even though Defendants had no reason to believe that  
27 the above statements were true and in fact knew that the statements were false,  
28 Defendants nevertheless published the above statements with the specific intent to

damage Plaintiffs' reputations. Indeed, in addition to publishing the statements on their Web Sites, Defendants sent the defamatory statements to Plaintiffs' employees, prospective business partners, and litigation opponents in a further attempt to vex, harass, and annoy Plaintiffs, and also to injure Plaintiffs' business. As a result, Plaintiffs are entitled to an award of punitive damages against Defendants.

## **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray for judgment against Defendants, and each of them, as follows:

#### **For the First Count:**

1. For an order preliminarily and permanently enjoining and restraining Defendants and Defendants' officers, agents, representatives, employees, attorneys, successors, assigns, affiliates and any persons in active concert or participation of any of them, from registering, using, or trafficking in any domain names that are identical or confusingly similar to the ATIGEO trademark;

2. For a declaration that the registration of the <atigeo.co> domain name violated Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d);

3. For an order requiring the Defendants to transfer the registration of <atigeo.co> to Atigeo;

4. For an amount to be determined at trial equal to Atigeo's damages as a result of the Defendants' wrongful acts, disgorgement of profits, and/or statutory damages as determined at trial;

5. For an amount equal to three times the damages as a result of the Defendants' wrongful acts, and interest thereon; and

6. For an amount equal to Atigeo's costs and reasonable attorneys' fees for this action.

### For the Second Count:

1. For general damages according to proof;

- 1       2. For special damages according to proof;  
2       3. For actual, exemplary, and punitive damages;  
3       4. For a temporary restraining order and preliminary and permanent injunction  
4 requiring Defendants, and each of them, and their agents, servants, and employees, and  
5 all persons acting under, in concert with, or for them to: (A) remove the defamatory  
6 statements set forth above from all web sites under their control, (B) cease making the  
7 defamatory statements in any manner, and (C) provide a copy of the Court's injunction  
8 to all subscribers of the Web Sites and all persons acting under, in concert with, or for  
9 Defendants; and  
10      5. For such other and further relief as the Court deems just and proper.

11 DATED: July 15, 2013                   BARON & BUDD, P.C.  
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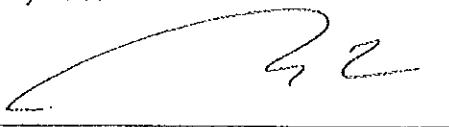
13 By \_\_\_\_\_  
14            2  
15            Roland Tellis  
16            Attorneys for Plaintiffs  
17            Michael Sandoval and Atigeo LLC  
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2                   **DEMAND FOR JURY TRIAL**  
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4                   Plaintiffs hereby demand a trial of their claims by jury to the extent authorized by  
5 law.  
6

7                   DATED: July 15, 2013                   BARON & BUDD, P.C.  
8

9                   By \_\_\_\_\_  
10

11                     
12                   Roland Tellis  
13                   Attorneys for Plaintiffs  
14                   Michael Sandoval and Atigeo LLC  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

**EDCV13- 1243 CAS (DTBx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

- Western Division  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012       Southern Division  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516       Eastern Division  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**  
for the  
**Central District of California**

ATIGEO LLC, a Washington limited liability company;  
and MICHAEL SANDOVAL, an individual

*Plaintiff(s)*

v.

OFFSHORE LIMITED D, a California business  
organization, form unknown; OFFSHORE LIMITED  
D, a California partnership; DENNIS MONTGOMERY  
individually and as a partner of Offshore, *SEE ATTACHED*

*Defendant(s)*

*EDCV13-1243(CAS)(DTBx)*

Civil Action No.

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JUL 15 2013

Date: \_\_\_\_\_

CLERK OF COURT

JULIE PERDO

Signature of Clerk or Deputy Clerk

1154

**ATTACHMENT TO SUMMONS IN A CIVIL ACTION**

To: (*Defendant's name and address*)

OFFSHORE LIMITED D, a California business organization, form unknown; OFFSHORE  
LIMITED D, a California partnership  
ISTVAN BURGYAN, individually and as a partner of Offshore Limited D  
DEMARATECH, LLC, a California limited liability company  
49295 Tidewater Drive  
Indio, CA 92201

DENNIS MONTGOMERY, individually and as a partner of Offshore Limited D  
3812 94<sup>th</sup> Avenue NE  
Bellevue, WA 98004

## CIVIL COVER SHEET

**I. (a) PLAINTIFFS** ( Check box If you are representing yourself  )

ATIGEO LLC, a Washington limited liability company; and MICHAEL SANDOVAL, an individual

**DEFENDANTS** ( Check box If you are representing yourself  )

OFFSHORE LIMITED D, a California business organization, form unknown; OFFSHORE LIMITED D, a California partnership; DENNIS MONTGOMERY, individually and as a partner of Offshore Limited D; ISTVAN BURGYAN, individually and as a partner of Offshore Limited D; DEMARATECH, LLC, a California limited liability company

(b) Attorneys (Firm Name, Address and Telephone Number, If you are representing yourself, provide same.)  
 BARON & BUDD, P.C.  
 Roland Tellis (SBN 186269); Peter F. Smith (SBN 203224)  
 15910 Ventura Boulevard, Suite 1600  
 Encino, CA 91436 / Ph.: 818.839.2333 Fax: 818.986.9698

(b) Attorneys (Firm Name, Address and Telephone Number, If you are representing yourself, provide same.)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

1. U.S. Government Plaintiff

3. Federal Question (U.S. Government Not a Party)

2. U.S. Government Defendant

4. Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only**  
(Place an X in one box for plaintiff and one for defendant)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In this State	<input type="checkbox"/> PTF 4	<input checked="" type="checkbox"/> DEF 4
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Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. ORIGIN** (Place an X in one box only.)

1. Original Proceeding

2. Removed from State Court

3. Remanded from Appellate Court

4. Reinstated or Reopened

5. Transferred from Another District (Specify)

6. Multi-District Litigation

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes  No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23:  Yes  No

MONEY DEMANDED IN COMPLAINT: \$ \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Cybersquatting (15 U.S.C. section 1125(d))**VII. NATURE OF SUIT** (Place an X in one box only).

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> Habeas Corpus	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent	
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 465 Other Immigration Actions	<input checked="" type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument				<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment		<b>TORTS</b>	<input type="checkbox"/> 861 HIA (1395ff)	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act		<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)		<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))	
<input type="checkbox"/> 480 Consumer Credit			<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 490 Cable/Sat TV			<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 865 RSI (405 (g))	
<input type="checkbox"/> 850 Securities/Commodities/Exchange			<input type="checkbox"/> 385 Property Damage Product Liability		
<input type="checkbox"/> 890 Other Statutory Actions				<b>FEDERAL TAX SUITS</b>	
<input type="checkbox"/> 891 Agricultural Acts			<b>BANKRUPTCY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 893 Environmental Matters			<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	
<input type="checkbox"/> 895 Freedom of Info. Act			<input type="checkbox"/> 423 Withdrawal 28 USC 157		
<input type="checkbox"/> 896 Arbitration			<b>CIVIL RIGHTS</b>		
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision			<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 950 Constitutionality of State Statutes			<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
	<b>REAL PROPERTY</b>		<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
	<input type="checkbox"/> 210 Land		<input type="checkbox"/> 443 Housing/Accomodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
	<input type="checkbox"/> 220 Condemnation		<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
	<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
	<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

EPGV13-1243

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THIS PAGE AND FILE. INFORMATION REQUESTED ON PAGE 2.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  NO  YES

If yes, list case number(s): \_\_\_\_\_

**VIII(b), RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  NO  YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to Item (b).

County in this District*  _____	California County outside of this District; State, if other than California; or Foreign Country  Washington
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(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to Item (c).

County in this District*  Riverside	California County outside of this District; State, if other than California; or Foreign Country
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(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.  
**NOTE: In land condemnation cases, use the location of the tract of land involved.**

County in this District*  Riverside	California County outside of this District; State, if other than California; or Foreign Country
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\*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_ DATE: July 15, 2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1. It is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))